

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARCELLUS A. JONES,

Plaintiff,

v.

MICHAEL WENEROWICZ, *et al.*,

Defendants.

No. 4:18-CV-02353

(Chief Judge Brann)

ORDER

AUGUST 19, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendants' motion for summary judgment (Doc. 90) is **GRANTED
IN PART AND DENIED IN PART**.
2. Defendants' motion is **DENIED** with respect to Plaintiff's claims of retaliation against Defendants Eidem, Pallerino, McCord, Hoffner, and Kathy arising from Plaintiff's April 4, 2018 conversation with Defendants Wenerowicz, Hammond, Brittain, White, and Sorber.
3. Defendants' motion is **DENIED** with respect to Plaintiff's cruel and unusual punishment claim arising from the alleged assault by Defendants Hoffner and Pallerino on October 2, 2018.
4. Defendants' motion is **GRANTED** in all other respects.

5. Plaintiff's motion for an order denying Defendants' motion for summary judgment is **DENIED AS MOOT**.
6. The Clerk of Court is directed to enter judgment in favor of Defendants Wenerowicz, Hammond, Brittain, White, Sorber, Albert, Moser, Young, Dowd, O'Kane, Boyce, and Newberry and dismiss those Defendants from the case.
7. Within thirty days of the date of this Order, the parties shall file a joint status report informing the Court whether they are amenable to having this case referred to the Court's Prisoner Litigation Settlement Program.
8. Scheduling of trial and all pretrial deadlines shall be deferred pending the filing of the aforementioned joint status report.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge